

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 1-02-CR-134
	:	
Plaintiff,	:	Chief Judge Beckwith
	:	
v.	:	
	:	
MATTHEW MOYE,	:	<u>MOTION FOR EXTENSION OF TIME</u>
	:	<u>TO FILE SENTENCING</u>
Defendant.	:	<u>MEMORANDUM</u>

Defendant Matthew Moye, by and through counsel, respectfully requests that this Court extend the time for the filing of Defendant Moye's Sentencing Memorandum. Counsel for Moye asserts that an extension of time would provide counsel with an opportunity to meet with Moye to prepare for the filing of the memorandum.

As background, Moye's sentence was reversed and remanded, in light of the Booker decision on March 21, 2006. On April 25, 2006, this Court issued an order appointing the Federal Public Defender to represent Moye and counsel was assigned to represent Moye. On May 5, 2006, a sentencing order was issued setting the matter for sentencing on July 7, 2006 and directing that any sentencing memoranda be filed by May 15, 2006.

Counsel for Defendant Moye requests that this court extend the filing time for

his Sentencing Memorandum until Friday, June 23, 2006. Counsel requests additional time to prepare and file a Sentencing Memorandum because Defendant Moye is currently incarcerated in the Federal Correctional Institution at Loretto, Pennsylvania and counsel will have limited opportunities, by telephone, to discuss relevant sentencing issues with Defendant Moye. An extension of time, until June 23, 2006, should provide counsel with an opportunity to meet in person with Moye and determine what issues are relevant at sentencing.

Counsel has discussed this matter with Assistant United States Attorney Timothy D. Oakley, and Oakley has no objection to an extension of time to file the Sentencing Memorandum until June 23, 2006.

Respectfully submitted,

STEVEN S. NOLDER,
ACTING FEDERAL PUBLIC DEFENDER

s/W. Kelly Johnson

W. Kelly Johnson (0037241)
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Counsel for Defendant
Matthew Moye

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Timothy D. Oakley, Assistant United States Attorney, by electronic filing, on May 5, 2006.

s/W. Kelly Johnson

W. Kelly Johnson